

1 THE HONORABLE TANA LIN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JAVIER TAPIA,
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11 Plaintiff,
12 v.
13
14 NAPHCARE, INC., an Alabama Corporation;
15 PIERCE COUNTY, a political subdivision of
16 the State of Washington; PAUL PASTOR, in
17 his personal capacity; ROB MASKO, in his
18 Personal Capacity; KAREN DANIELS, in her
19 Personal Capacity; JIM MCLANE, in his
20 Personal Capacity; SUSANNE MOORE, in her
21 Personal Capacity; MARSHA BURGESS, in
22 her Personal Capacity; AMBER H. SIMPLER,
23 in her Personal Capacity; JEFFREY
24 ALVAREZ, in his Personal Capacity;
25 BRADFORD T. MCLANE, in his Personal
26 Capacity; CORNELIUS HENDERSON, in his
Personal Capacity; ELLIOT WADE, in his
Personal Capacity; CAMERON CARRILLO,

No. 22-cv-01141-TL

**STIPULATION TO ALLOW
LEAVE TO AMEND, STIPULATED
NOTICE TO EXTEND
DEADLINES, AND ORDER**

22 Caption Continued on Next Page
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STIPULATION, STIPULATED NOTICE, AND ORDER
TO EXTEND DEADLINES – 1

158263579.1

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1 in his Personal Capacity; ELIZABETH
2 WARREN, in her Personal Capacity; DEBRA
3 RICCI in her Personal Capacity; RICK
4 OELTJEN, in his Personal Capacity; DUANE
5 PRATHER, in his Personal Capacity;
6 DARREN NEALIS, in his Personal Capacity;
7 JESUS PEREZ, in his Personal Capacity;
8 MIGUEL BALDERRAMA, in his Personal
9 Capacity; JOHN and JANE DOES 1-10, in
their Personal Capacities,

Defendants.

10 Pursuant to Sections II.G and II.I of the Court's Standing Order for All Civil Cases
11 ("Standing Order") and Federal Rule of Civil Procedure 15(a)(2), Plaintiff Javier Tapia
12 ("Plaintiff") and all named Defendants in this action ("Defendants") hereby submit this
13 stipulation to: (1) strike Defendants' current deadline move plead or respond to Plaintiff's First
14 Amended Complaint (Dkt. 1-2; the "FAC"); (2) allow Plaintiff leave to file a Second Amended
15 Complaint; and (3) allow Defendants' to move, plead, or otherwise respond to Plaintiff's Second
16 Amended Complaint within 14 days from the date that Plaintiff files his Second Amended
17 Complaint.

18 WHEREAS, Defendants and Plaintiff participated in a meet-and-confer on September 13,
19 2022 pursuant to Section II.I of the Court's Standing Order in order to determine whether alleged
20 deficiencies in Plaintiff's FAC, *see* Dkt. No. 1-2, could be cured by amendment.

21 WHEREAS, Plaintiff agreed during that meet-and-confer to make certain amendments to
22 the FAC and Defendants agreed to allow Plaintiff to amend the complaint pursuant to Federal
23 Rule of Civil Procedure 15(a)(2) without waiving any of their defenses to the proposed Second
24 Amended Complaint.

25 WHEREAS, Defendants' current deadline to move, plead, or otherwise respond to the
26 First Amended Complaint is September 21, 2022. *See* Aug. 17, 2022 Min. Entry.

STIPULATION, STIPULATED NOTICE, AND
[PROPOSED] ORDER TO EXTEND DEADLINES – 2

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1 WHEREAS, this stipulated motion is filed in good faith and not for the purposes of
2 delay, and will not alter any other dates or schedules previously set by this Court.

3 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
4 Defendants and Plaintiff, subject to the Court's approval, that all parties consent to allow
5 Plaintiff leave to file a Second Amended Complaint pursuant to Federal Rule of Civil Procedure
6 15(a)(2). In addition, pursuant to Judge Lin's Standing Order for All Civil Cases, the Parties
7 have agreed to move the following deadlines: Defendants' September 21, 2022 deadline to
8 move, plead, or otherwise respond to the FAC is stricken; Defendants shall have 14 days from
9 the date Plaintiff files his Second Amended Complaint to move, plead or respond to that
10 complaint. The Parties request the Clerk to reset the deadlines as noticed.

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STIPULATION, STIPULATED NOTICE, AND
[PROPOSED] ORDER TO EXTEND DEADLINES – 3

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2 DATED: September 15, 2022
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s/ David A. Perez, WSBA No. 43959

s/ Ian Rogers, WSBA No. 46584

s/ Dane Westermeyer, WSBA No. 49934

s/ Stephanie Olson, WSBA No. 50100

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STIPULATION, STIPULATED NOTICE, AND
[PROPOSED] ORDER TO EXTEND DEADLINES – 5

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[PROPOSED] ORDER

IT IS SO ORDERED.

Dated this 19th day of September 2022.



Tana Lin
United States District Judge

Presented by:

STIPULATION, STIPULATED NOTICE, AND
[PROPOSED] ORDER TO EXTEND DEADLINES – 6

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45 [PROPOSED] ORDER TO EXTEND DEADLINES – 7